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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/033,407	12/26/2001	David Gaxiola	80398.P443	8558

7590 02/24/2005

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EXAMINER

GILLIS, BRIAN J

ART UNIT	PAPER NUMBER
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2141

DATE MAILED: 02/24/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/033,407

Applicant(s)

GAXIOLA ET AL.

Examiner

Brian Gillis

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 December 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>3/10/2004</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claim 16 is objected to because of the following informalities: Claim 16 refers to claim 10 further comprising unloading another service. The examiner interprets this as a typographical error and should be dependent on claim 11. For examination purpose the examiner assumes dependency on claim 11. Please notify the examiner if this is incorrect. Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 4, 5, 10, 13, and 14 are rejected under 35 U.S.C. 102(b) as being anticipated by Norris (US Patent #5,557,748).

4. The claimed invention reads on Norris as follows: (Claims 1 and 10 disclose) a method and machine-readable medium of provisioning user preferences comprising: detecting a coupling of a device to a network (Norris shows a snoop module that observes transactions occurring on the network (column 5, lines 52-55).); identifying a user corresponding to the device (Norris shows that a current participants list is

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compared with existing participants on previously observed locations to find a match (column 10, lines 58-64).); and configuring the device according to user preferences associated with the identified user (Norris shows that the network parameters are configured from the user (column 11, lines 10-13)).

5. (Claims 4 and 13 disclose) the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the user by user usage patterns (Norris shows that a snooper module determines the network parameters by observing traffic on the network (column 4, lines 37-40)).

6. (Claims 5 and 14 disclose) the method and machine-readable medium of claims 1 and 10 wherein the identifying a user corresponding to the device is determined by examining other devices and services on the network (Norris shows that a snooper module records the transactions received from the network and can determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16)).

7. Claims 19, 20, 23-26, 29-32 are rejected under 35 U.S.C. 102(e) anticipated by Dharmadhikari et al (US PG PUB US2003/0065816).

8. The claimed invention reads on Dharmadhikari et al as follows: (Claim 19 discloses) a system comprising: a device selectively coupled through a network (Dharmadhikari et al shows the systems and methods are executed on any hardware which supports network interfaces (paragraph 19, lines 3-5).); a user profile comprising user preferences of the associated user for the device (Dharmadhikari et al shows that user interface elements are used to communicate the user's preferences (paragraph 22,

lines 11-15).); and a custom setting manager to associate a user to the device and further to access the user profile when the device is coupled to the network and configure the device according to the user preferences (Dharmadhikari et al shows a policy manager which receives the user's preferences and then configure the device according to the user's preferences (paragraph 25, lines 1-4, paragraph 27, lines 1-4)).

9. (Claim 20 discloses) the system of claim 19 wherein the user is associated to the device by user usage patterns (Dharmadhikari et al shows the user preferences are received by associating the user to the use of network interfaces coupled to a computer (paragraph 43, lines 3-11)).

10. (Claim 23 discloses) the system of claim 19, wherein the user profile further comprises: an association between the user and the device (Dharmadhikari et al shows the user preferences contain information that comprises an association between the user and the device (paragraph 33, lines 3-10)).

11. (Claim 24 discloses) the system of claim 19, further comprising: a user manager to detect when the device is coupled (Dharmadhikari et al shows a link monitor receives link status information for the network interfaces connected (paragraph 24, lines 1-2)).

12. (Claim 25 discloses) a system comprising: a network (Dharmadhikari et al shows that wired or wireless devices a connected to network access points (paragraph 19, lines 8-12, paragraph 20, lines 1-3); a plurality of devices selectively coupled through the network (Dharmadhikari et al shows a plurality of network interfaces connected to a network (paragraph 19, lines 3-5).); and a custom settings manager configured to identify the user of the device and further to access user preferences associated with

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the user and selectively configure devices based upon the user preference associated with the user (Dharmadhikari et al shows a policy manager which receives the user's preferences and then configure the device according to the user's preferences (paragraph 25, lines 1-4, paragraph 27, lines 1-4)).

13. (Claim 26 discloses) the system of claim 25 wherein the identifying the user comprises identifying the user from the user usage patterns (Dharmadhikari et al shows the user preferences are received by identifying the user to the use of network interfaces coupled to a computer (paragraph 43, lines 3-11)).

14. (Claim 29 discloses) the system of claim 25 further comprising: a user manager that detects a coupling of a device to the network (Dharmadhikari et al shows a link monitor receives link status information for the network interfaces connected (paragraph 24, lines 1-2)).

15. (Claim 30 discloses) the system of claim 25, wherein the identification is accomplished by querying a preferences database (Dharmadhikari et al shows a policy manager receives input to receive the user's preferences from the user interface (paragraph 25, lines 1-4)).

16. (Claim 31 discloses) the system of claim 25, wherein the accessing and configuring are performed by a preference agent (Dharmadhikari et al shows a policy manager which accesses the user's preferences and configures according to the user's preferences (paragraph 27, lines 1-4, 9-12)).

17. (Claim 32 discloses) the system of claim 25 where the plurality of devices includes a service, the service to be identified in the user preferences (Dharmadhikari et

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al shows that the policy manager configures services on the computer according to the user's preferences (paragraph 27, lines 5-12)).

Claim Rejections - 35 USC § 103

18. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

19. Claims 2, 3, 11, and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Ricart et al (US PG PUB US2002/0165906).

20. Claims 2 and 11 disclose the method and machine-readable medium of claims 1 and 10 wherein the device includes a service. Norris teaches of the limitations of claims 1 and 10 as recited above (column 5, lines 52-55, column 10, lines 58-64, column 11, lines 10-13). It fails to teach of a device including a service. Ricart et al teaches of a device, which includes services (paragraph 43, lines 1-5).

21. Norris and Ricart et al are analogous art because they are both related to computer and network configuring.

22. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the device with services in Ricart et al with the method in Norris because this way of personalization can provide advantages such as speed and efficiency (paragraph 56, lines 1-4).

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23. Claims 3 and 12 disclose the method and machine-readable medium of claims 2 and 11 wherein the configuring includes configuring the service. Norris teaches of the limitations of claims 1 and 10, which claims 2 and 11 depend from (column 5, lines 52-55, column 10, lines 58-64, column 11, lines 10-13). It fails to teach of a device including a service and configuring such service. Ricart et al teaches of a device, which includes services and configuring such services (paragraph 43, lines 1-5, paragraph 47, lines 14-17).

24. Norris and Ricart et al are analogous art because they are both related to computer and network configuring.

25. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the configuring of services in Ricart et al with the method in Norris because this way allows the configuration of the service efficiently and can later be updated if a change to the device is made (paragraph 17, lines 1-4, 7-12).

26. Claims 6 and 15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Dharmadhikari et al (US PGPUB US2003/0065816).

27. Claims 6 and 15 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises identifying the corresponding user to be a user who has most recently used the device. Norris teaches of the limitations of claims 1 and 10 as recited above (column 5, lines 52-55, column 10, lines 58-64, column 11, lines 10-13). It fails to teach of identifying the user as being the most recent user of the

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device. Dharmadhikari et al teaches of a link monitor, which monitors changes in the link status of the device (paragraph 24, lines 1-10).

28. Norris and Dharmadhikari et al are analogous art because they are both related to network configuration.

29. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the link monitor in Dharmadhikari et al with the method in Norris because this allows for the automatic determination of a network device (paragraph 10, lines 1-3).

30. Claims 7, 8, 16, and 17 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent # 5,557,748) in view of Ricart et al (US PG PUB US2002/0165906) as applied to claims 3 and 12 above, and further in view of Reed (US Patent # 6,754,504).

31. Claims 7 and 16 disclose the method and machine-readable medium as set forth in claims 2 and 11, further comprising unloading another service according to the user preferences. Norris as modified by Ricart et al teaches of a method of provisioning user preferences as shown above. It fails to teach of unloading another service according to the user preferences.

32. Reed teaches of a service being unloaded according to the user preferences (column 6, lines 35-40).

33. Norris as modified by Ricart et al and Reed are analogous art because they are both related to user customization.

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34. It would have been obvious to a person of ordinary skill in the art to use the service unloading feature in Reed with the method of Norris as modified by Ricart et al because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

35. Claims 8 and 17 disclose the method and machine-readable medium as set forth in claims 2 and 11, further comprising loading the service according to the user preferences of the identified user. Norris as modified by Ricart teaches of a method of provisioning user preferences as shown above. It fails to teach of loading a service according to the user's preferences.

36. Reed teaches of a service being loaded according to the preferences of the identified user (column 4, lines 3-14).

37. Norris as modified by Ricart et al and Reed are analogous art because they are both related to user customization.

38. It would have been obvious to a person of ordinary skill in the art to use the service loading according to user preferences in Reed with the method of Norris as modified by Ricart et al because it provides control to the user via the user's preferences (Reed, column 2, lines 41-46).

39. Claims 9 and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Norris (US Patent #5,557,748) in view of Reed (US Patent #6,754,504).

40. Claims 9 and 18 disclose the method and machine-readable medium of claims 1 and 10 wherein the identifying comprises querying a data store which associates a set of devices and identities of users of the set of devices. Norris teaches of the limitations

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of claims 1 and 10 as recited above (column 5, lines 52-55, column 10, lines 58-64, column 11, lines 10-13). It fails to teach of identifying by querying a data store, which associates a set of devices and identities of users of the set of devices. Reed teaches of a user database uses to maintain information of the users of the network (column 7, lines 5-11).

41. Norris and Reed are analogous art because they are both related to user configuration.

42. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the user database in Reed with the method in Norris because the user preferences in the database allow the controlling of settings on the device, which the user is related to (column 6, lines 13-17).

43. Claims 21 and 27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PGPUB US2003/0065816) in view of Norris (US Patent #5,557,748).

44. Claims 21 and 27 disclose the system of claims 19 and 25 wherein the user is associated to the device by examining the other devices and services on the network. Dharmadhikari et al teaches of the limitations of claims 19 and 25 as recited above (paragraph 19, lines 3-5, 8-12, paragraph 20, lines 1-3, paragraph 22, lines 11-15, paragraph 25 lines 1-4, paragraph 27, lines 1-4). It fails to teach of associating the user to the device by examining other devices or services on the network. Norris teaches of a snooper module, which records the transactions, received from the network and can

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determine the participants involved by indexing traffic data (column 5, lines 66-67, column 6, lines 1-16).

45. Dharmadhikari et al and Norris are analogous art because they are both related to network configuration.

46. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the snooper module in Norris with the system in Dharmadhikari et al because this allows a computer to be dynamically configured instead of statically preventing network malfunctions (column 1, lines 55-65).

47. Claims 22 and 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Dharmadhikari et al (US PG PUB US2003/0065816) in view of Bunney (US Patent #6,487,584).

48. Claims 22 and 28 disclose the system of claims 19 and 25 wherein the user is associated to the last user of the device. Dharmadhikari et al teaches of the limitations of claims 19 and 25 as recited above (paragraph 19, lines 3-5, 8-12, paragraph 20, lines 1-3, paragraph 22, lines 11-15, paragraph 25 lines 1-4, paragraph 27, lines 1-4). It fails to teach of associating the user to the last user of the device. Bunney teaches of a session and profile manager which maintains member session data and maintains a users identity while performing any number of operations (column 4 lines 35-42, 48-53).

49. Dharmadhikari et al and Bunney are analogous art because they are both related to user account personalization.

50. At the time of the invention it would have been obvious to a person of ordinary skill in the art to use the session and profile manager in Bunney with the system in

Dharmadhikari et al because the server can associate a plurality of different addresses with the user profile and able to provide the profile with personalized data (column 2, line 29-31, column 3, lines 26-28).

Conclusion

51. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Yamasaki (US PG PUB US2002/0152264) teaches of customizing computer devices to be used safely and effectively in vehicles. Craig et al (US Patent #6,260,111) teaches of a system and method for network power management using user identities and preferences via a smart card. Hendrick (US Patent #6,792,464) teaches of a system for allowing a user to connect to a network by using a smart card for identification. Hendrick (US PG PUB US2001/0023892) teaches of a system for allowing a user to connect to a network by using a smart card for identification. Nielsen (US Patent #6,278,465) teaches of changing font sizes for network browsing according to a specified preference. Cox et al (US Patent #6,324,578) teaches of management of configurable programs over a network. Noe (US PG PUB US2003/0023745) teaches of downloading data effectively over a network during periods of low activity.

52. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Brian Gillis whose telephone number is 571-272-7952. The examiner can normally be reached on M-F 7:45-4:15.

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53. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Rupal Dharia can be reached on 571-272-3880. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

54. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Brian Gillis
Examiner
Art Unit 2141

BJG


RUPAL DHARIA
SUPERVISORY PATENT EXAMINER